

State of Rhode Island and Providence Plantations

Rhode Island Ethics Commission 40 Fountain Street Providence, RI 02903 (401) 222-3790

Public Notice of Proposed Rule-Making

Pursuant to the provisions of R.I. Const., art. III, sec. 8 and R.I. Gen. Laws § 36-14-9, and in accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-3, the Rhode Island Ethics Commission hereby gives notice of its intent to amend the following regulations:

Regulation 1006 -- Finding of Probable Cause. The purpose of this amendment is to eliminate the Complainant's attendance in executive session hearings, recognizing that the Complainant is not a party to the proceeding.

Regulation 1011 -- Informal Disposition. The purpose of this amendment is to eliminate the Complainant's attendance in executive session hearings and to maintain the confidentiality of settlement negotiations, recognizing that the Complainant is not a party to the proceeding.

Regulation 1003 -- Initial Determination of Complaint. The purpose of this amendment is to clarify that at this stage of the process, the Commission will not engage in fact-finding or consider materials not included in the Complaint.

Regulation 36-14-12001 -- Preliminary Investigations. The purpose of this amendment is to clarify that during a preliminary investigation, the Commission's only role is to determine whether there is good cause to allow an extension of time to conduct an investigation, and to clarify that at this stage the Executive Director may compel the attendance of witnesses and require the production of documents.

Regulation 1009 -- Subpoena. The purpose of this amendment is to clarify that the Executive Director may cause a subpoena to issue without the review or approval of a Commissioner.

The proposed regulations and concise summaries thereof are available for public inspection at <http://www.ethics.ri.gov>, in person at the above address, or by calling Jason Gramitt, Education Coordinator/Staff Attorney at (401) 222-3790.

In the development of the proposed amendments, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified upon available information.

All interested parties are invited to submit written comments concerning the proposed regulations by March 1, 2010 to the Ethics Commission at the above address, or via email to comment@ethics.state.ri.us. A public hearing to consider the proposed amendments shall be held on **Tuesday, March 9, 2010 at 9:00 a.m.** at the above address, at which time and place all persons interested therein will be heard. The room is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling (401) 222-3790 or through Rhode Island Relay at 1-800-RI5-5555.

STATE OF RHODE ISLAND

RHODE ISLAND ETHICS COMMISSION

PROPOSED AMENDED REGULATION 1009

Regulation 1009 - Subpoena.

Subject to the provisions of Regulation 1008, the Executive Director or designee, or the Respondent and/or Respondent's legal counsel, may issue a subpoena to compel the production of evidence or the attendance of witnesses regarding any matter pending before the Commission ~~may be issued upon the filing of an affidavit by the Executive Director or designee, or by the Respondent and/or counsel,~~ detailing the specific persons or documents to be subpoenaed and their relevance to the matter at issue. Said affidavit shall be accepted and filed by the Commission staff and placed in the Commission's relevant complaint file. In addition, at the adjudicative hearing ~~Any~~ Commission member shall be authorized to issue a subpoena.

CONCISE SUMMARY OF NON-TECHNICAL AMENDMENT

This amendment clarifies that the Executive Director may cause a subpoena to issue without the review or approval of a Commissioner.